

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,

v.

MOEUN YOEUN,
Defendant.

CASE NO. CR19-5148BHS
ORDER

THIS COURT having considered the Joint Status Report and Stipulation to Continue Trial Date of the United States and Defendant Moeun Yoeun for a continuance of the trial date, and based on the facts set forth therein, and General Orders 01-20 and 08-20 of the United States District Court for the Western District of Washington re Extension of Court Operations Under the Exigent Circumstances Created by COVID-19 and Related Coronavirus, addressing measures to reduce the spread and health risks from COVID-19, which is incorporated herein by reference, the Court hereby FINDS that trial in this case cannot currently proceed. For the reasons detailed in the parties' Stipulation, and given the findings of General Order 08-20, the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial.

18 U.S.C. §§ 3161(h)(7)(A), (B)(i), (iv).

1 IT IS THEREFORE ORDERED that the parties' request to continue the trial date is
2 GRANTED.

3 Trial in this matter is SCHEDULED for February 9, 2021; pretrial motions are due by
4 December 31, 2020; Pretrial Conference is set for February 1, 2021 at 1:30 p.m.

5 IT IS FURTHER ORDERED that the time between the date of the filing of the
6 parties' stipulated request to continue trial and the new trial date is excluded in computing
7 the time within which trial must commence because the ends of justice served by granting
8 this continuance outweigh the best interest of the public and the defendant in a speedy trial,
9 18 U.S.C. § 3161(h)(7)(A). Failure to grant this continuance would likely make trial
10 impossible and result in a miscarriage of justice, and would deny counsel for the defendant
11 and government counsel the reasonable time necessary for effective preparation, taking into
12 account the exercise of due diligence. *Id.* § 3161(h)(7)(B)(i), (iv).

13 Dated this 18th day of August, 2020.

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BENJAMIN H. SETTLE
United States District Judge

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20 Presented by,

21 s/Matthew P. Hampton
22 MATTHEW P. HAMPTON
23 GRADY J. LEUPOLD
24 Assistant United States Attorneys

s/Miriam Schwartz
MIRIAM SCHWARTZ
Attorney for Defendant Moeun Yoeun